

SFA, Joseph and Bennett fail to teach or suggest this feature. Dworkin, SFA, and Bennett each teach systems related to configuring a system based upon a set of user inputs. All three of these systems contemplate the sale of an item which is uniquely configured to satisfy the particular needs of a customer as expressed by the set of inputs. However, none of these references teach or suggest a process for determining an alternate configured product, as required by claims 1 and 8-10. Joseph is directed at managing and tracking an inventory of pre-configured items within a retail store, and accordingly can not even suggest identifying alternative items that correspond to buildable products. In other words, Joseph's teachings are limited to systems for suggesting an alternate pair of shoes, or similar items that are currently in the inventory, but the items are themselves not a configurable item. Joseph simply provides a system for choosing between other pre-configured items in inventory. This is not the same or even suggestive of determining a product that most closely corresponds to a user-specified configurable product. Thus, Joseph fails to overcome the deficiencies of the other references.

With further regard to claims 1 and 8-10, the Office Action rejected the claimed system for facilitating a sale of a product from an inventory of a selling entity using a combination of four separate references, Dworkin, SFA, Joseph, and Bennett. The Office Action simply fails to even suggest any motivation for one skilled in the art at the time the invention was made to combine all four references to achieve the claimed invention. Thus, it is submitted that this rejection is improper and claims 1 and 8-10 are also in condition for allowance, for at least this reason.

In particular, Dworkin, SFA, and Bennett teach systems related to configuring a system based upon a set of user inputs. However, each of these references only contemplate the sale of

an item which is to be configured, or built, to exactly satisfy the particular requirements, as provided by user. In stark contrast, Joseph teaches a system for suggesting an alternate pair of shoes, or similar items that are not a configurable or buildable item. As such, the processes and systems contemplated by Joseph, are fundamentally divergent from the teachings even suggested by the other references because the scope of the Joseph analysis is purposefully much more limited already manufactured products. Joseph merely contemplates selecting a perfect match amongst already manufactured, or pre-configured products, specifically shoes, and providing an alternative pre-configured product, wherein this selection process is further limited to the on-hand inventory of the end-retailer. See col. 4, line 45 through col. 6, line 3. The ability to provide products configured to the exact requirement of a particular customer is a fundamental requirement of Dworkin, SFA, and Bennett. Joseph is directed at an inventory management system and process which simply does not provide any motivation which suggests the application of such a process to a system that seeks to provide products that are exactly configured to a customer's specifications, as Joseph does not even contemplate configurable products.

Similarly, there is no motivation within any other reference to configure a system to provide anything less than a perfect match of the user's requests. These approaches teach away from each other and render each set of prior art unsatisfactory for the intended purpose of the other.

Claims 8-10 recite, in part, a system that identifies on or more alternative products "that most closely satisfy the customer's intended use of the product." Individually, or in combination, each of the cited references also fail to teach or even suggest this feature. None of the references consider the intended use of the requested product when building a product. Dworkin, SFA, and

Bennett do not contemplate identifying alternative configurable products, and to the extent that Joseph does discuss providing an alternative product the reference also fails to even suggest considering this factor when attempting to determine an alternative product. Indeed, Joseph's alternatives are drawn from classes defined by manufacture, shoe size, price or color, for example. As such, this combination of references fail to teach each and every element of claims 8-10.

Claim 2 depends from and further defines the patentably distinct claim 1. As such, it is also allowable.

Accordingly, claims 1, 2 and 8-10 are allowable over the cited references. Thus, reconsideration and withdrawal under 35 U.S.C. § 103, and allowance of claims 1, 2, and 8-10 are requested.

Claims 3-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dworkin, SFA, Joseph and Bennett as applied to claim 1 above, and further in view of Lynch et al., Pat. No. 5,708,798 (hereinafter Lynch). The rejection is traversed.

Claims 3-7 depend from claim 1, and as such each contains all of the limitations of claim 1. The Office Action's rejection of these claims using Lynch must also be withdrawn, as Lynch fails to remedy the above deficiencies in the cited primary references, for at least the same reasons as discussed above regarding claim 1. These dependent claims are therefore also in condition for allowance at least for the reasons stated above.

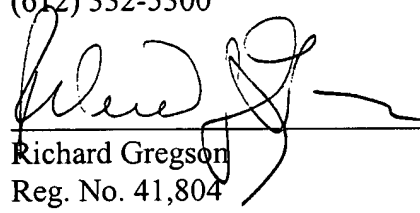
CONCLUSION

In view of the foregoing amendments and remarks, reconsideration and reexamination of this application and the timely allowance of the pending claims is requested. Please direct any inquiries concerning this application to the undersigned attorney at 612-336-4605.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402 - 0903  
(612) 332-5300

Date: 3 April 2003

  
Richard Gregson  
Reg. No. 41,804  
RG/MC/atb